

Instructions for Idaho Form 56

GENERAL INFORMATION

The general rule provides for a carryback of up to \$100,000 of the net operating loss to the three tax years preceding the loss year. The loss is first applied to the third year preceding the loss year, then the second and first preceding years in order until the loss, limited to \$100,000, is absorbed. Any loss not absorbed in the carryback years and the loss in excess of \$100,000 will be a carryover up to 15 years following the loss year. The loss carryover is applied to each year in order until absorbed or until the 15-year carryover period has expired.

You may elect to forego the three-year carryback provision and carry the loss over up to 15 years. The loss carryover is applied to each year in order until absorbed or until the 15-year carryover period has expired. You must elect to forego the carryback provision by the due date, including extensions, of the loss year return. The election is made by attaching a statement to the loss year return. The statement must clearly indicate that you elect to forego the carryback provision and include your name, address, social security number, and the amount of the loss. You cannot revoke the election to forego the carryback provision for the loss year.

APPLICATION OF INDIVIDUAL NET OPERATING LOSS TO A YEAR IN WHICH IDAHO ADJUSTED INCOME COMPLETELY ABSORBS THE LOSS

When Idaho adjusted income of the carryback or carryover year is sufficient to absorb the net operating loss, no special adjustments to such income are required.

If the net operating loss deduction is carried back and absorbed in the carryback year, you must file a **Form 40X**, Amended Idaho Individual Income Tax Return, for the absorption year. Idaho adjusted income will be decreased by the amount of the loss. Because your tax liability is reduced, you must recompute nonrefundable tax credits. Attach a copy of Form 56 to

your amended return. If you are following the general rule to carry back the loss, you have until the 15th day of the 40th month following the end of the loss year to file the amended return for the absorption year.

If the net operating loss deduction is a carryover and absorbed in the first carryover year, subtract the loss on the tax return for the carryover year. Attach a copy of Part I to your income tax return.

APPLICATION OF INDIVIDUAL NET OPERATING LOSS TO A YEAR IN WHICH IDAHO ADJUSTED INCOME DOES NOT COMPLETELY ABSORB THE LOSS

If, after taking previous carrybacks and carryovers into account, the net operating loss carryback or carryover exceeds Idaho adjusted income of the year to which the loss is carried, certain modifications must be made to such income to determine the amount of the loss that is absorbed. Parts II and III are provided to compute the amount of the net operating loss absorbed in each year to which the loss is applied when Idaho adjusted income does not completely absorb the loss. If your loss is not absorbed after three carryback and three carryover years, an additional copy of Part III will be necessary. The years to which a net operating loss is applied will be determined by whether a special election was made. Refer to the general information above.

Reporting the application of the net operating loss to a year in which income does not completely absorb the loss:

When a net operating loss has been applied to a tax year for which an income tax return has previously been filed, you must file a Form 40X, Amended Idaho Individual Income Tax Return, to report the application and request a refund. File a Form 40X

for each year to which the net operating loss has been applied. Because your income tax liability is zero, you will have to make an adjustment for any nonrefundable tax credits claimed on the original return. Attach a copy of Form 56 to your amended return.

When a net operating loss is applied to a carryover tax year for which the income tax return has not been filed, you must compute the Idaho net operating loss carryover to report on the return when it is filed. Compute the net operating loss that will be available for application to next year on Part III. Attach a copy of Form 56 to your income tax return when you file it.

Continue the application of the unabsorbed net operating loss to any carryback years available and, to the extent there is any net operating loss not absorbed in the carryback years, to carryover years' returns which have previously been filed.

Following these instructions, you will apply any remaining net operating loss when your next income tax return is filed.

INSTRUCTIONS FOR PART II

Line 1. In column a enter the net operating loss carryback from line 9, Part I, as a positive number. Your carryback is limited to \$100,000. You will use column b if there is an amount on line 7, column a. Enter the amount from line 7, column a, as a positive number in column b of this line. You will use column c if there is an amount on line 7, column b. Enter the amount from line 7, column b, as a positive number on this line in column c.

Line 2. Enter the Idaho adjusted income of the third preceding tax year in column a. If column b is used, enter the Idaho

adjusted income of the second preceding tax year. If column c is used, enter the Idaho adjusted income of the first preceding tax year. Do not include the net operating loss carryback deduction in this amount. If this amount is a loss, enter it as a negative amount.

Line 3. If a capital loss in excess of capital gains was claimed on the preceding tax year return(s), enter the capital loss deduction as a positive amount. See federal Schedule D for the preceding tax year(s).

Line 4. If an Idaho capital gain deduction was claimed on the preceding tax year return(s), enter the deduction as a positive number.

Line 5. Enter the casualty loss reported on federal Schedule A and deducted on the preceding tax year return(s) as a positive number. Do not make an entry here if you used the standard deduction on the Idaho return.

Form 43 filers will multiply the amount of casualty loss reported on the federal Schedule A by the Idaho percentage for that year to determine the amount to enter on this line. Enter the amount as a positive number.

Line 6. Add lines 2, 3 and 4 and subtract line 5. This is the Idaho adjusted income as modified for application of the net operating loss carryback. The modifications included in this amount reduce your net operating loss carryback but may not necessarily result in a refund. If this amount is zero or a nega-

tive amount, none of your net operating loss carryback will be used in this preceding tax year.

Line 7. If line 6 is equal to or more than line 1 in the same column, your net operating loss carryback has been absorbed. Enter zero on this line. When completing Form 40X, Amended Idaho Individual Income Tax Return, use the amount on line 1 (of Part II of this form) as the change amount on line 4, column B, Form 40X.

If line 6 is less than line 1, the net operating loss has not been absorbed. Subtract line 6 from line 1. This is the remaining net operating loss to apply to the next available year. Enter this amount on line 1 for the next preceding tax year or, if there are no more preceding tax years, enter this amount on line 10, Part I. If your income tax liability will be reduced by the application of the net operating loss carryback, file a Form 40X, amended return, to claim a refund. The amount to report as the change amount on line 4, column B, Form 40X is computed by subtracting line 7 from line 1.

INSTRUCTIONS FOR PART III

Line 1. In column a enter the net operating loss carryover from line 11, Part I. If you made the election to forego the three-year carryback provision, the amount on line 11 will be the same as the amount on line 8. Enter the net operating loss carryover as a positive number. You will use column b if there is an amount on line 7, column a. Enter the amount from line 7, column a, as a positive number in column b of this line. You will use column c if there is an amount on line 7, column b. Enter the amount from line 7, column b, as a positive number on this line in column c.

If your net operating loss carryover is not absorbed by the third succeeding tax year, you may use additional copies of Part III to show the application of the net operating loss carryover.

Maximum number of carryover years:

- 15 years - losses incurred after 1989
- 10 years - losses incurred after 1982 but before 1990
- 5 years - losses incurred before 1983

Line 2. Enter the Idaho adjusted income of the first succeeding tax year in column a. If column b is used, enter the Idaho adjusted income of the second succeeding tax year. If column c is used, enter the Idaho adjusted income of the third succeeding tax year. Do not include the net operating loss carryover deduction in this amount. If this amount is a loss, enter it as a negative amount.

Line 3. If a capital loss in excess of capital gains was claimed in arriving at Idaho adjusted income, enter the capital loss deduction as a positive amount. See federal Schedule D for the carryover year.

Line 4. If an Idaho capital gain deduction was claimed in arriving at Idaho adjusted income, enter the deduction as a positive amount. See Idaho Form CG for the carryover year.

Line 5. Enter as a positive number the casualty loss reported on federal Schedule A and deductible on this carryover year return. Do not make an entry here if you use the standard deduction on the Idaho return.

Form 43 filers will multiply the amount of casualty loss reported on the federal Schedule A on the carryover year return by the Idaho percentage for that year to determine the amount to enter on this line. Enter the amount as a positive number.

Line 6. Add lines 2, 3 and 4 and subtract line 5. This is the Idaho adjusted income as modified for application of the net operating loss carryover. The modifications included in this amount reduce your net operating loss carryover. If this amount is zero or a negative amount, none of your net operating loss carryover will be used in this succeeding tax year.

Line 7. If line 6 is equal to or more than line 1 in the same column, your net operating loss carryover has been absorbed. Enter zero on this line. When completing your Idaho income tax return for the carryover year, enter the amount on line 1 (of Part III of this form) on the subtraction line for the Idaho net operating loss carryforward.

If line 6 is less than line 1, the net operating loss has not been absorbed. Subtract line 6 from line 1. This is the remaining net operating loss to apply to the next available year. Enter this amount on line 1 of the next column. When completing your Idaho income tax return for the carryover year, compute the amount to enter on the subtraction line for the Idaho net operating loss carryforward by subtracting line 7 from line 1.